



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200225025

Date: November 19, 2002

Comments Due: December 19, 2002

In reply, please refer to the Public Notice Number

Subject: Department of the Army Permit Application. The District Engineer, Sacramento District, Corps of Engineers (Corps) is evaluating a permit application from the Board of Regents, University and Community College Systems of Nevada. The purpose of this notice is to inform interested parties of a proposed work activity and to solicit comments. Participation is encouraged so that the District Engineer is better able to complete a more thorough public interest review. Comments assist the Corps to make a reasonable decision based on public interest factors. The District Engineer is particularly interested in receiving comments related to the proposals probable impacts on the affected aquatic systems functional values and the cumulative and secondary effects. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The proposed project is described below and shown on the attached drawings. This notice may also be viewed at the Corps web site at: <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/>.

Applicant: Board of Regents, University and Community College Systems of Nevada, 2601 Enterprise Rd, Mailstop 014, Reno, NV 89512.

Location: The project site is southwest of the McCarran Boulevard and Evans Avenue intersection at the University of Nevada-Reno in Section 35, Township 19 North, Range 19 East, Washoe County, Nevada.

Purpose: The purpose of the proposed fill is to create an area for the north campus expansion and for building the Biotechnology and Genomics Center.

Project Description: The Board of Regents, University and Community College Systems of Nevada is proposing to place clean fill material in an unnamed, perennial tributary of the Truckee River and its adjacent wetland; the affected length is 1800 feet. Approximately 3.25 acres of existing wetland is proposed to be filled, and the tributary is proposed to be culverted. Previously (in 1993), approximately 0.8 acres of tributary and adjacent wetland was filled; the tributary length was approximately 960 feet. To compensate for the 0.8 acre impact, a 1.3 acre mitigation area was to have been completed: 0.7 acres of enhancement (to the existing wetland) and 0.6 acres of creation. None of the mitigation was considered successful. It is estimated that 625,000 cubic yards of material will be needed to fill the tributary swale.

The attached maps and drawings provide additional project details.

The applicant believes there is a need to build this state-of-the-art research and instruction facility to better meet the needs and economic diversity of Nevada companies and introducing new technologies to state industries. Additionally, the expansion will accommodate the increasing student population.

The Corps has not determined if compensatory mitigation will be required if the impacts caused by the

proposal are authorized. However, in anticipation of an affirmative permit decision and a need to provide compensatory mitigation, the applicant has proposed to provide in-lieu funds to The Nature Conservancy Truckee River restoration project. The restoration project was described in a Corps public notice, Corps number 200225083, dated August 23, 2002. The Corps is currently in the decision making process for the restoration project.

Environmental Setting: The environmental setting includes a tributary that drains approximately 2000 acres. The drainage has endured development pressures but still has areas of healthy riparian vegetation. On site, several large trees and a comparatively large adjacent wetland provides local wildlife habitat. The university is expanding and building south and west of the project area and north, between McCarran Boulevard and the site, site development has already occurred. On the downstream side, a railroad grade, with a culvert, terminates the drainage. Downstream from the railroad tracks, the tributary is believed to be culverted for approximately 1.7 miles and discharges into the Paradise Park ponds.

Additional Information: Additional information may be obtained from the applicant's agent, JBR, at 775-747-5777 in Reno or by calling Richard Gebhart, Project Manager, Corps of Engineers at 775-784-5304 in Reno.

Authority: This proposal is being evaluated under Section 404 of the Clean Water Act, for the discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act, has been granted or is waived from the Nevada Division of Environmental Protection (NDEP). A waiver will be deemed to occur if the state fails or refuses to act on the request for certification within 60 days.

Section 404(b)(1) Evaluation: The activity's impact on the public interest will include application of the 404 (b) (1) guidelines promulgated by the Administrator, Environmental Protection Agency.

Public Hearing: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

Endangered Species: Preliminary review for species protected under the Endangered Species Act of 1973 (87 Stat. 844) indicates that the described activity will not affect listed species or their critical habitat. Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: In accordance with Section 106 of the National Historic Preservation Act, initial review of cultural resources information available in the National Register of Historic Places and its current supplements indicates that no historic properties would be affected by the proposed activity. The applicant prepared a cultural resources survey of the project site. This notice and the survey was sent to the Nevada State Historic Preservation Office for their review.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain

values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and / or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Submitting Comments: Comments must be received on or before the expiration date (located above) to be considered in subsequent actions on this application. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. Anyone whose interests may be affected by the proposed work is invited to submit favorable or unfavorable written comments to:

US Army Corps of Engineers
Nevada Office (Gebhart)
300 Booth Street Rm 2103
Reno NV 89509-1361
Email: richard.a.gebhart@usace.army.mil

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These state requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable statutory authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Attachments